

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHRISTOPHER C. BITTNER and
CAROL BITTNER,

Plaintiffs

v.

FRANK WILLIAMS, THEODORE A.
SAULNIER, in his capacity as CHIEF OF THE
TISBURY POLICE DEPARTMENT, and
THE TOWN OF TISBURY,

Defendants

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* C.A. NO. 04-11417-RCL

PROPOSED VOIR DIRE QUESTIONS

1. Are you all aware that this is a civil case and not a criminal case?
2. Do you understand that civil cases differ from criminal cases?
3. In a civil case, the plaintiff only has to prove her case by a preponderance of the evidence, not beyond a reasonable doubt. It is as if my hands represent scales (hold your hands out at the sides), the plaintiff's evidence goes in one hand (lower that hand), and the defendant's evidence goes in one hand (lower that hand), and the defendant's evidence goes in the other hand. If the plaintiff's hand is even just slightly tipped, then she has met her burden of proof and you should return a verdict in her favor— do you all understand what this means?
4. Have any of you served on a jury before? If so, was it a criminal case or civil case?
5. If you answered yes to #4, was your jury able to reach a verdict in that case?
1. If you answered yes to #4, do you have any positive or negative feelings about our system of justice based on your jury experience?
2. Have any of you ever been involved as a plaintiff or a defendant in a case?
3. Have any of you ever been witnesses in a case?
4. Do you have any opinions about people suing for civil rights violations?

5. Do you feel that money damages should not be awarded as punishment for the defendants?
6. Do any of you feel that there are too many lawsuits?
7. Do any of you feel that there are too many lawsuits involving police officers?
8. Do any of you feel that too many lawsuits are frivolous and a waste of time?
9. Do you believe that people who bring lawsuits are just trying to get "free money" out of the system?
10. Do you feel that it is too easy to get big verdicts in our courts?
11. Do you believe that lawyers make too much money?
12. Do you believe that spouses should be able to recover money damages for the loss of companionship?
13. This is a civil lawsuit where the plaintiff is seeking money damages from the defendants for the claims made in plaintiff's complaint. Do you have any negative reaction whatsoever to a suit by a person seeking compensation for an alleged wrong in the form of money damages?
14. If you find the defendants liable, would you have any problem awarding full damages based upon the law that the judge describes to you?
15. Do you feel that a person should be compensated for pain, emotional and mental distress that is wrongfully caused by another person?
16. If the judge were to instruct you that such compensation was proper under the law, would you have any hesitation about making such an award if the evidence warranted it?
17. Have you or any member of your family or any close friend ever held any job in:
 - a. the state or local police;
 - b. the FBI;
 - c. any law enforcement agency; or
 - d. any governmental agency?
18. Does your job cause you to work with any law enforcement officer or agency?
19. With respect to questions 25, 26, if either is answered in the affirmative: Would this relationship cause you to prefer to sit as a juror in a case that does not involve claims against police officers?
20. In this civil case, each of the defendants and some of the witnesses are police officers. In

light of this fact, if one of these law enforcement officers was to say that a certain thing happened or that it happened in a certain way, and another witness who was not a law enforcement officer testified that it didn't happen at all, or that it happened in a different way, would you tend to believe the law enforcement officer simply because he was a law enforcement officer?

21. Is there anything about the fact that the defendants are police officers that would cause you to be inclined or pre-disposed to believe them more than a "civilian" or a "regular" person?
22. In other words, is there anything that pre-disposes you not to want to find against a defendant who is a police officer, either on questions of liability or questions of the amount of damages that the evidence may support?
23. If your answers to either of the two preceding questions are anything other than an unqualified "No", please tell us what it is that pre-disposes you not to want to find against a police officer who is a defendant in a civil lawsuit.
24. This case concerns allegations that the defendants violated the plaintiff's civil rights. Is there anything in this set of circumstances that would make it difficult for you to decide this case fairly and impartially, without bias or prejudice?
25. Specifically, Mr. Christopher Bittner claims that:
 - a. Defendant Williams unlawfully stopped plaintiff Bittner, arrested and detained him without probable cause;
 - b. This unlawful act violated plaintiff Bittner's Constitutional Rights by subjecting him to an unlawful arrest and detainment.; and
 - c. Defendant Williams knew that his arrest of plaintiff Bittner was without cause.

Is there anything about these claims that would make it difficult for you to be a fair and impartial juror?

26. Is there any other reason that you would find it difficult to be a fair and impartial juror in this case?

Plaintiffs by counsel,

Date: 2/8/09

/s/ Andrew M. Fischer
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